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SUBJECT: DHS SEC. NAPOLITANO ADDRESSES EU'S JHA MINISTERS
ON AVIATION SECURITY

REF: A. SECSTATE 8403
[1](#)B. MADRID 49

Classified By: Charge d'Affaires Arnold A. Chacon for reasons 1.4 (b) a
nd (d)

[1](#)1. (SBU) Summary. Secretary Napolitano met with European
Union (EU) Justice and Home Affairs (JHA) ministers January
21-22 in Toledo, Spain, and achieved trans-Atlantic consensus
to improve aviation security. Her attendance at the plenary
meeting led to the issuance of a U.S.-EU Joint Declaration on
Aviation Security that outlines several actions for the two
sides to take (available at
www.dhs.gov/ynews/releases/pr_1264119013710.shtm). Secretary
Napolitano also held ten bilateral discussions, during which
she discussed bilateral issues and underscored her core
Aviation Security message.

[1](#)2. (SBU) Summary Continued. Following the thwarted terrorist
attack over Detroit on December 25, 2009, Spanish Interior
Minister Alfredo Perez Rubalcaba, acting on behalf of the
rotating EU Presidency, invited Secretary Napolitano to
attend this ministerial. He recognized that the event could
serve as a useful platform for having the EU address current
terrorist threats and the need for the U.S. and EU to work
together more closely on aviation security. In addition to
the ministers of the 27 EU Member States, also attending were
outgoing European Commission Vice President Jacques Barrot,
EU Counterterrorism Coordinator Gilles de Kerchove, Chairman
of the European Parliament's Civil Liberties, Justice and

Home Affairs Committee Juan Fernando Lopez Aguilar, plus representatives of the three non-EU Member States of the Schengen Zone (Iceland, Norway, and Switzerland), representatives of the three candidate countries for EU membership (Croatia, Macedonia, and Turkey), and the leaders of Europol and Frontex. DHS delegation is listed in para 20. End Summary.

Bilateral with Spain - Rubalcaba

¶3. (C) Host Spanish Interior Minister Alfredo Rubalcaba, in an early, brief meeting with Secretary Napolitano and U.S. Ambassador to Spain Alan D. Solomont, warned that European media attention had centered on the lack of EU consensus on whole body image (WBI) scanning machines. To avoid diverting attention away from DHS objectives, he suggested avoiding the issue.

Plenary Session

¶4. (SBU) Rubalcaba asserted that the attempted Christmas Day attack compelled him to invite Secretary Napolitano to the meeting because there was nothing more important to discuss. He added that aircraft remain a "priority target" for al-Qaida (AQ) and that the plot demonstrated the need to perfect cooperation and the exchange of and analysis of information. He said he wanted to use the Secretary's presence to send a message to the world regarding the political unity and firm will of the U.S. and EU to work together.

¶5. (SBU) In her address to the plenary, Secretary Napolitano emphasized that terrorism is a global threat that requires a multinational response and that access to one airport can endanger the entire international airport system. Secretary Napolitano reviewed the facts of the Detroit case, shared lessons learned from the subsequent Presidential Review, described the recent international travel of the DHS Deputy Secretary, and outlined four areas of focus: 1) information collection and analysis; 2) information sharing and collaboration in passenger vetting; 3) international security standards, including coordination of international assistance to help all countries achieve those standards; and 4) development and deployment of next generation aviation security technologies.

¶6. (C) Barrot praised the "new spirit of cooperation" in transatlantic relations and suggested international terrorism can only be defeated if the U.S. and the EU work together. To this end, he indicated the two sides will collaborate to build the CT capacity of third-countries most at-risk of terrorism. Barrot cautioned that if aviation security were increased, then the EU will need to build public support for these additional measures and will need to reassure its citizens on how data is collected and that their privacy is respected. He also urged the U.S. to provide details on the December 25 lessons learned, including "what information was used and what was not used, so we can improve" capabilities.

¶7. (C) De Kerchove stated that the Detroit plot confirms that civil aviation remains a key target of international terrorists. He called for not just increased information sharing, but increased analysis to connect the dots of all this information. He concurred with Rubalcaba that the Christmas incident broke new ground in that an AQ regional franchise had attempted an attack outside its own region and also agreed that terrorists were trying to use new operatives about whom the West had little information. De Kerchove emphasized the importance of countering the radicalization and recruitment of terrorists (particularly returnees from Afghanistan, Pakistan, and Somalia) and suggested that - due to a variety of events in the past several months - the USG is seeing that the threat of terrorism does not just come from outside U.S. borders. He voiced his support for the use of biometrics and EU collection and analysis of Passenger Name Records (PNR), encouraged the EU to speed up its study on the use of WBI, and urged a quick mandate for negotiations on a U.S.-EU information sharing and data protection

agreement.

¶18. (C) Lopez Aguilar welcomed DHS readiness to work closely with the EU and recalled Secretary Napolitano's November, 2009 visit to the European Parliament (EP) in Brussels. He stressed the need for the United States to protect privacy and civil liberties and to provide judicial redress as a part of its data sharing with the EU. He underscored the EU's commitment to the free movement of persons and highlighted the EP's role - under the new Lisbon Treaty - in bilateral agreements negotiated between the EU and the United States.

¶19. (C) Ministers of many of the 33 European countries also addressed the plenary, most in support of increased cooperation with the United States, as the Secretary outlined. A primary subject of conversation, however, became the consensus toward establishment of an EU PNR collection and analysis capability. UK officials later confirmed that they, Spain, France, and others had cooperated before the plenary to achieve consensus on the idea. Denmark, Estonia, France, Germany, Spain, the Netherlands, Portugal, Slovenia, and the UK all spoke in favor. None opposed outright, although Belgium (and Slovenia, to a lesser degree) sounded notes of caution.

Bilateral with Spain - Caamano

¶10. (C) Justice Minister Francisco Caamano stressed that finding the balance between protecting civil liberties and increased aviation security is key. He identified three priorities - SWIFT, PNR and the U.S.-EU agreement on information exchange - and stated that the common denominator for the successful resolution of all three issues is "full protection" of citizens' data. Caamano said he will testify before the EP the week of January 25 to defend the temporary SWIFT agreement and ask for a renewal. On PNR, he identified Germany, the Netherlands and "some Nordic countries" as having "high standards" on data protection. Caamano said that Spain is doing everything in its power during its EU Presidency to seek a mandate as quickly as possible for the European Commission to begin negotiations with U.S. on exchanging information.

Bilateral with Germany - de Maiziere

¶11. (S/NF) Interior Minister Thomas de Maiziere was enthusiastic about U.S. "multilateralism" as evidenced by the Secretary's attendance at the ministerial and her intention to hold additional aviation security meetings with counterparts in other parts of the world. He was familiar with recent threat information that noted the possibility of terrorists using children's articles to introduce bombs into airplanes. He was not familiar, however, with proposed U.S. efforts in response to enable TSA to use explosive detection equipment on U.S.-bound flights. De Maiziere expressed concern about travelers who transit the EU, particularly those en route to the United States. He said the EU did not screen them and so was dependent on the efficacy of screening carried out in dozens of countries. "They can enter the EU, meet with people, buy things in airports, do other things, and leave" without an EU official ever interacting with them, he lamented. De Maiziere said he also considered electronic boarding passes to be security vulnerabilities.

Bilateral with Germany - Leutheuser-Schnarrenberger

¶12. (C) Privacy advocate and new Justice Minister Sabine Leutheuser-Schnarrenberger opened the meeting by referring to the German debate about "naked scanners" (i.e., WBI). She said she and de Maiziere did not always agree and that human dignity had to be protected. Sounding skeptical, she said the United States seemed to always want more data but she was "not sure you get the security you want; we cannot have total security." Turning to the bilateral ("Prm-like") Agreement to Prevent and Combat Serious Crime (PCSC), she warned that "it won't be ratified" and said she and de Maiziere would shortly send (another) letter to Secretary Napolitano and Attorney General Holder, now asking for a definition of

"serious crime." DAS Koumans urged such discussion take place during negotiation of the implementation text, but she refused. Secretary Napolitano stressed that the differences between us were too small to prevent cooperation, underlined the two sides could not go backwards, offered to provide information on redress, and pledged to send to Berlin DHS Chief Privacy Officer Mary Ellen Callahan, who had met previous Justice Minister Zypries.

Bilateral with the United Kingdom (UK)

¶13. (S/NF) Home Secretary Alan Johnson hailed Secretary Napolitano's coming to Toledo and her intervention in plenary. He said the UK would soon increase its use of WBI as "part of the solution" and that the following day (Friday, January 22) the UK might raise its security threat level to "severe," the second-highest rung. He reviewed his decision the previous week (week of January 11, 2010) to cancel non-stop flights from Sana'a, Yemen, to London/Heathrow and said the flights would not resume without UK officials pre-vetting travelers in Sana'a. He offered to share the information UK officials learn in Sana'a. Secretary Napolitano responded that the USG had discussed terrorist travel information sharing with Yemen and that the United States and the UK should cooperate as they both sought to address security challenges in Yemen. Turning to the Christmas day attempted attack, Secretary Napolitano asked hypothetically whether the UK would have provided the USG with alleged perpetrator Abdulmutallab's data if the UK had refused his visa on counterterrorism grounds. Johnson replied "No, but we should." He also said there was information the USG should have told the UK and the USG should have watchlisted Abdulmutallab. Secretary Napolitano urged the two sides collaborate on sharing visa revocation data.

Bilateral with France

¶14. (S/NF) Interior Minister Brice Hortefeux said al-Qaida in the Arabian Peninsula represented a "big threat" but he claimed that EU and French law constrain the PCSC bilateral information sharing Secretary Napolitano sought. He asked for the derogatory data on the two "No Fly" passengers that had necessitated the 2009 diversion of two Air France Paris-Mexico City flights. He noted that France had no information to suggest the two individuals had ties to terrorism. He commented that he had traveled through U.S. airports and he had concluded that U.S. citizens were more adept at security measures - such as taking off their shoes - than EU citizens, who complained about such procedures. He called WBI "not a silver bullet" and called for more French airport liaison officers in Africa as well as "Profilers" to detected suspicious passengers.

Bilateral with Switzerland

¶15. (SBU) Justice Minister Eveline Widmer-Schlumpf claimed Switzerland would require two years before PCSC bilateral information sharing could begin due to internal Swiss legal procedures. Secretary Napolitano urged greater speed. DHS Under Secretary Beers asked for Swiss agreement to U.S. initiatives in ICAO, including for greater transparency and the coordination of international assistance.

Bilateral with the Netherlands

¶16. (C/NF) Justice Minister Ernst Hirsh Ballin said the privacy issue is central to the resolution of U.S.-EU issues such as SWIFT and PNR. Secretary Napolitano described the EU's false notions, popularized in the media, of centralized U.S. databases. Hirsh Ballin called for greater efforts to prevent terrorism by combating radicalization. Turning to the Christmas day attempted attack, he hailed U.S.-Dutch cooperation but said "we may not agree with you on whether or not the device would have exploded" and asked whether U.S. agencies have any additional information concerning what the alleged perpetrator did (e.g., with whom he may have met) at Amsterdam's Schiphol airport. Secretary Napolitano said the investigation is ongoing.

Bilateral with Sweden

¶17. (C/NF) Justice Minister Beatrice Ask lamented the upcoming elections in Sweden and said the party coalition made it hard to achieve PCSC bilateral information sharing. She said Sweden would "do what we can." Secretary Napolitano asked whether Sweden could begin with an informal agreement before a subsequent ratification and asserted that the information sharing under the PCSC was not invasive of privacy. Ask replied that the privacy issue necessitated the formality of Parliamentary ratification and commented that a global security solution would include ships and trains. Secretary Napolitano responded that al-Qaida focused on aircraft.

Bilateral with Denmark

¶18. (C/NF) Secretary Napolitano told Justice Minister Brian Mikkelsen that it was time for Denmark to agree to U.S. Federal Air Marshals (FAMs) on U.S. flag flights to and from Denmark. He replied he agreed and he had spoken that morning (January 22) with Transport Minister Lars Barfoed, who had met the previous day with U.S. Ambassador Fulton. Fulton had provided Barfoed with documents and answers to Barfoed's questions, so Mikkelsen said he was optimistic, but the decision was Barfoed's. Mikkelsen emphasized that guns are sensitive subject in Denmark. Secretary Napolitano warned that Denmark could not continue to be the only EU country not permitting FAMs. Mikkelsen said he had recently agreed to the extradition of a Danish citizen to the United States, a decision which had generated much negative publicity. On an optimistic note, he said the bilateral PCSC would be ratified within a month.

Next Steps

¶19. (SBU) DAS Koumans met January 22 in Madrid with de Kerchove as well as EU Commission and Spanish interlocutors to discuss implementation of the Joint U.S.-EU Declaration. The meeting planned concrete actions to achieve before the U.S.-EU Ministerial Troika to be held in Madrid April 8-9. The group agreed to meet again in March in Brussels.

¶20. (U) DHS Delegation:

Secretary Napolitano Chief of Staff Noah Kroloff
Under Secretary and Senior Counselor Rand Beers
Assistant Secretary for Public Affairs Sean Smith
Deputy Assistant Secretary for International Affairs Mark Koumans
TSA Chief of Staff Art Macias
DHS Liaison to the Spanish Interior Ministry Lisa Lopez

¶21. (U) The DHS Delegation has cleared this cable.
CHACON